

**MASSACHUSETTS
STATE
EMERGENCY
RESPONSE
COMMISSION**

Guide to
Starting Local
and Regional

**EMERGENCY
PLANNING
COMMITTEES**

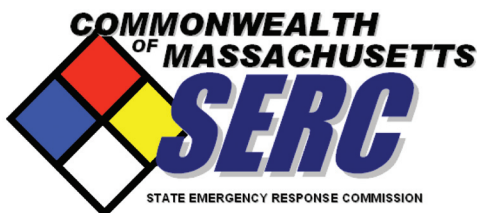


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On October 17, 1986, the Superfund Amendments and Reauthorization Act (SARA) was enacted into law. Part of the SARA provisions is Title III: the Emergency Planning and Community Right-to-Know Act (EPCRA). Title III, now more commonly known as EPCRA, establishes requirements for federal, state, local, and tribal governments as well as industry regarding emergency planning and community right-to-know reporting on hazardous and toxic chemicals.

The legislation builds upon the United States Environmental Protection Agency's (EPA) Chemical Emergency Preparedness Program (CEPP), state and local programs, and the Chemical Manufacturers Association's Community Awareness and Emergency Response (CAER) program aimed at helping communities to better meet their responsibilities regarding to potential chemical emergencies.

EPCRA conceptualizes Local Emergency Planning Committees (LEPCs) or Regional Emergency Planning Committees (REPCs) and requires them to evaluate hazardous chemicals in storage, use or transportation in the community and to develop plans to respond to emergencies involving these hazardous materials.

Guidance to LEPCs and REPCs in fulfilling their responsibilities is contained in the National Response Team (NRT) document NRT-1. This group's mission is to ensure effective national preparedness and response for oil and hazardous materials spills. This guidance document provides criteria for what was required in an emergency plan, but does not provide guidance on the actual operation of an LEPC committee.

As such the Massachusetts State Emergency Response Commissions (SERC) developed a Certification process to provide communities with formal criteria for establishing an LEPC or REPC. The certification process includes three levels of certification – startup, provisional, and full – to aid LEPCs and REPCs in meeting all federal requirements.

This document was developed to supplement the certification process, it is not intended to replace the necessary review of existing laws and regulations or the necessary interaction with local and state emergency response agencies. This book is designed to provide information to existing committees who wish to improve upon their established practices and communities seeking to establish a local or regional emergency planning committee.

EMERGENCY PLANNING COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

EPCRA Overview

EPCRA was passed in 1986 in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. These concerns were triggered by the disaster in Bhopal, India, in which more than 2,000 people suffered death or serious injury from the accidental release of methyl isocyanate. To reduce the likelihood of such a disaster in the United States, Congress imposed requirements on states and regulated facilities.

EPCRA establishes requirements for federal, state, local, and tribal governments, as well as industry regarding emergency planning and “Community Right-to-Know” reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public’s knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and safety, and the environment.

EPCRA has four major provisions:

- Emergency planning (Sections 301-303);
- Emergency release notification (Section 304);
- Hazardous chemical storage reporting requirements (Sections 311-312); and
- Toxic chemical release inventory (Section 313).

The Emergency Planning section of the law is designed to help communities prepare for and respond to emergencies involving hazardous substances. Every community in the United States must be part of a comprehensive plan.

What is a SERC?

The Governor of each state has designated a State Emergency Response Commission (SERC). Each SERC is responsible for implementing EPCRA provisions within their state.

The SERC designates local and regional Emergency Planning Committees, establishes procedures for receiving and processing public requests for information collected under EPCRA, and reviews LEPC and REPC emergency response plans as they relate to hazardous materials response.

What is a LEPC or REPC?

An LEPC is a committee responsible for EPCRA compliance formed by a single community. An REPC is comprised of a group of communities charged with EPCRA compliance. LEPC or REPC membership must include, at a minimum, local officials including police, fire, emergency management, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPCs must develop a hazardous materials emergency response plan, review it annually, and provide information about chemicals in the community to citizens.

REQUIRED ELEMENTS OF A COMMUNITY EMERGENCY RESPONSE PLAN

- Identify facilities and transportation routes of extremely hazardous substances;
- Describe emergency response procedures, on and off site;
- Designate a community coordinator and facility coordinator(s) to implement the plan;
- Outline emergency notification procedures;
- Describe how to determine the probable affected area and population affected by releases;
- Describe local emergency equipment and facilities and the persons responsible for them;
- Outline evacuation plans;
- Provide a training program for emergency responders (including schedules); and
- Provide methods and schedules for exercising emergency response plans.

Benefits of Emergency Planning Committees



Although EPCRA does focus on one element of emergency planning (hazardous materials), it integrates well into a community's all-hazards emergency planning. LEPCs and REPCs have long served as a strong foundation for other areas of community planning, as the committee is a comprehensive team that works together regularly on emergency preparedness and response issues. The benefit of the team efforts extends far beyond the scope of EPCRA responsibilities.

In addition to compliance with the EPCRA Law, membership in an Emergency Planning Committee helps support the following preparedness activities within your community:

- Developing and maintaining your all-hazards local comprehensive emergency management plan;
- Planning efforts to provide shelter for residents in the event of an evacuation;
- Networking with other departments/agencies, communities, and the private sector in advance of an emergency; and
- Developing and conducting training and exercise programs for all hazards.

IMPORTANT INFORMATION FOR CREATING EMERGENCY PLANNING COMMITTEES

The Massachusetts State Emergency Response Commission (SERC) Certification Program for LEPCs and REPCs has streamlined the process for communities to create Emergency Planning Committees. The Certification Program provides communities with two options for establishing an Emergency Planning Committee: a single-community committee (LEPC) or a multi-community committee (REPC). An LEPC is comprised of one municipality, and is responsible for all aspects of EPCRA compliance on behalf of their municipality. An REPC is composed of several communities who have formed a working relationship in order to accomplish EPCRA goals for all the communities in the region.

The following information details the basic steps for forming an LEPC or REPC. The Chapter on the Certification Process and the Certification Applications on the Resource CD-ROM provide additional technical guidance.

GETTING STARTED

Membership

The process for forming an LEPC or REPC begins with membership. Following EPCRA legislation, the Massachusetts SERC has identified thirteen disciplines that make up the membership of a fully certified LEPC or REPC. The committee needs to review the thirteen membership categories and determine the people who would be best suited to fill them. These membership categories are:

- Elected State/Local Official(s)
- Law Enforcement
- Emergency Medical Services
- Emergency Management
- Fire Service
- Public Health
- Local Environmental
- Hospital/Healthcare
- Transportation
- Media
- Community Groups
- Representative(s) of a facility using Extremely Hazardous Substance(s) (EHS)*
- Public Works

* If a community is home to a company that uses an EHS substance, the company must be a member of the EPC.

Additionally, a community may expand the membership broader than the thirteen required disciplines. The use of sub-committees can often provide a means of expanding participation without increasing meeting times.

An Individual can represent more than one category in membership. For example the Fire Department may also operate the community ambulance service. Therefore one individual could represent both the Fire Service and Emergency Medical Services categories.

Membership may be more complicated for REPCs, which not only have to consider the basic membership categories, but also have to take into account geographical considerations. Regional committees must decide whether they want the membership drawn from every community in the REPC or if they want their members drawn from representative communities.

Various levels of certification require various minimum membership requirements. While a fully certified LEPC/REPC must have all disciplines represented, a startup or provisional LEPC/REPC need only a majority.

Meetings

Schedule A Committee Meeting

Once potential members have been identified, a meeting should be convened based upon the availability of the membership. Some committees find meeting during the workday is best for them, while others find meeting in the evenings more accommodating for their members. While all schedules can't always be accommodated, it is best to find a timeframe that works for the majority of the membership, as a quorum may often be required.

Sub-Committees

Establishing sub-committees focusing on specific topics, such as the Hazardous Materials Plan, can reduce the number of full committee meetings. The sub-committee structure allows members to focus their energies on topics in which they have an interest. Sub-committees generally meet separately from the full committee meetings, and report back the work accomplished to the full committee.

Frequency Of Meetings

Based upon the level of certification of an LEPC or REPC, the State Emergency Response Commission requires a minimum number of meetings of an LEPC or REPC. Start-Up Certification requires at least one meeting within three months of application submittal, while Provisional and Full Certification requires at least two meetings per year. Although minimum requirements are set, there is no limit to how often LEPCs and REPCs may meet. The need to meet is generally predicated on the amount of work that the committee has to accomplish, as well as the amount of time committee members are willing to give. Typically, it is the amount of work needed to be accomplished that drives the frequency of meetings. This is common in the early stages of committee development. Mature committees tend not to meet as often as they have accomplished their organizing tasks, and typically meet between two and four times a year to discuss maintenance of plans and other ongoing business. The decision on when to meet is best decided by the membership.

Agenda

Meeting agendas should reflect the name of the committee, the time, date and location of the meeting, as well as all topics that must be discussed and perhaps voted during the meeting. Meetings should be a useful time for the membership. Therefore, the agenda should be carefully crafted as a crowded agenda with limited time could result in topics not receiving enough attention, or a meeting that runs long - both of which could be a source of frustration to members.

An agenda for a Start-Up committee meeting could include: a discussion of the application and its requirements; how to organize the committee; selection of a chair; possible formation of sub-committees; how often to meet; time and day of week for meeting times; a review of the training status of community responders and EPC members; and/or a review of the hazardous materials component of the local comprehensive emergency management plan(s). Many start-up committees have invited guest speakers from functioning LEPCs/REPCs to learn how they managed to overcome growing pains while going through the process.

An agenda for provisional and full committees might initially focus on the creation of the LEPC/REPC Hazardous Materials Response Plan. Once the plan has been completed, the committee may plan an exercise (usually a tabletop exercise) to test the elements of this plan. Once full certification has been achieved, the committee should focus on maintaining the plan's currency, achieving training and exercise goals, and increasing public awareness.

Open Meeting Law

Because LEPC and REPC meetings are subject to the Open Meeting Law, the LEPC/REPC must create and post a notice and agenda with the City or Town Clerk at least 48 hours prior to the meeting. This will ensure compliance with the Open Meeting Law. The posting is normally located where your community posts its other governmental meetings. The Town or City Clerk can advise of the appropriate posting location.

Although not directly related to Open Meeting Law, committees should accommodate the Americans with Disability Act (ADA) requirements. When scheduling meetings, consider accessibility issues for members and potential persons who might want to attend the various meetings.

Conducting The Meeting

All attendees should be asked to sign an attendance roster to determine and document that attendance requirements are met for the meeting. Keep on record the posted notice and agenda, the attendance roster, and meeting minutes as part of your documentation for your application.

There is no steadfast rule about length of meetings. Most meetings tend to last between one and two hours. In the developmental stages of the committee, meetings may be longer in duration as a number of tasks may need to be accomplished (HAZMAT/eCEMP Plan, By-laws, decisions on record keeping, etc.), which will drive the meeting agenda and hence the length of meetings.

Meeting Minutes

Meeting minutes must be taken. The person taking the minutes may use whatever format with which he or she is comfortable. The minutes should be kept as part of your documentation of the meeting - along with the agenda, the posting notice and the attendance roster. This documentation is required for certification.

The minutes of meetings and agendas must be retained for at least three years. The records should be stored in a manner that allows for convenient retrieval.

Committee Records

LEPCs and REPCs are responsible for a variety of records, such as meeting minutes, agendas, attendance rosters and notices. Additionally, the committee is responsible for maintaining annual Tier 2 report submissions from facilities located within the committee's jurisdiction. These reports are the foundation to the EPCRA philosophy of the EPCRA legislation, and can be a useful source of information for investigators both in epidemiological and environmental studies. They quantify the hazardous materials that facilities within the community may store on site, utilize and/or transport. Tier 2 reports are typically stored either by facility name or by address. Most committees typically keep a file for each facility or address.

The Massachusetts Secretary of State office has decreed that Tier 2 documents must be kept on record for at least three years. Committees should consider their retention for at least 20 years since health effects sometimes take years to be recognized.

Hazardous Materials Response Plans

EPCRA specifies that each Emergency Planning Committee shall develop a Hazardous Materials Emergency Response Plan for the community. NRT-1 provides guidance and sets forth the provisions required in the EPC plan. Because all communities must maintain a Comprehensive Emergency Management Plan (CEMP), MEMA has created a template that meets every "shall" that NRT-1 requires and incorporated it as Part 5 of the (CEMP). This information is also found in the eCEMP Plans.

THE CERTIFICATION APPLICATION

Start-up Application: This application requires basic committee recruitment and organization. This certification level is recommended as a starting point for a community or group of communities who have little to no experience with the Emergency Planning Committee process.

Provisional Application: Building upon the requirements set forth in the start-up certification, this application requires the submission of a Hazardous Materials Response Plan along with proof that an exercise testing an element of such plan has been conducted. Many committees like to consider this step to be a “rough draft” to the Full Certification process.

Full Application: Building upon the requirements set forth in the start-up and provisional certifications, this application requires incorporation of all EPCRA standards, including a completed Hazardous Materials Response Plan, as well as comprehensive training and exercise programs.

QUICK REFERENCE GUIDE TO THE CERTIFICATION APPLICATION

Cover Page

- Name and Chair of Proposed Committee
- Contact information for the Committee
- Name and contact information for Fiscal Agent (entity receiving money on behalf of the Committee)
- Certification Statement to be signed by person completing the application on behalf of Committee

All information required on this page must be complete and submitted with the application. Please note: the person completing the application must sign the certification form. The balance of the Certification Application consists of attachments that request specific information to help the SERC determine the level of compliance with EPCRA for the committee. Quick reference details on the attachments are included on the following pages.

Application Attachments

Attachment A: Committee Structure

- The name of the community submitting the application. (If the Committee represents more than one community, indicate the communities that intend to be part of the Regional Emergency Planning Committee, and an agreement signed by the Head of Government from each participating community agreeing to be part of the REPC.)
- The name of the Committee Chairperson.
- The names and disciplines of the members of the Committee. Membership should reflect the appropriate number and representation of disciplines as required by the certification level (noted on Page 6 of this guide).
- If the Committee has standing and/or ad-hoc sub-committees, a list of those subcommittees and their membership should be attached.

Attachment B: Committee Posted Notices and Agendas, Attendance Rosters and Meetings Minutes

The following information must be provided:

- The location used to post meeting notices and agendas to comply with the open meeting law.
- The date, location and agenda for the meetings.
- The signed attendance roster and minutes for that meeting.

Attachment C: Emergency Preparedness and Community Right-To-Know Act (EPCRA)

The following information must be provided:

- The name of the person designated to handle all EPCRA/ Right-to-Know requests.
- The location of Tier 2 information and plans and a description of their storage and organization.
- The hours that the Tier 2 information and plans are available to the public.

Attachment D: Emergency Response Coordinator

- The name of the Emergency Response Coordinator as designated by the Head of Government. For an REPC, an Emergency Response Coordinator must be appointed for each community participating by its respective Head of Government. This designation must be on official letterhead. The Hazmat Plan and the Legal Advertisement must be provided for provisional and full applications.

Attachment E: Detailed Review Of The Community's Hazardous Material Plan*

Prior to submitting the hazardous materials Response Plan, the Committee must conduct a detailed review of the document. The application for provisional and full certification includes a form (crosswalk) you should use to ensure that the Plan is in compliance with the NRT-1 requirements. This crosswalk (found in Attachment E of the application) should be submitted as part of the application package with the Plan.

Attachment F: Training Status of Responders and Committee Members

The committee must submit a statement indicating the status of training for community response personnel, including at a minimum the following categories of responders:

1. Fire
2. Emergency Medical Services
3. Police
4. Emergency Management
5. Public Works
6. Health

Information must specify: the level of training of personnel (Awareness, Operations, Technician, Specialist, and Incident Command) as well as course information including the instructor(s), location(s), date(s) and curriculum.

Attachment G: Exercise Program Description*

Each committee seeking provisional or full certification must conduct an exercise of its Hazardous Materials Response Plan. This exercise must be conducted within one year of the submission of the committee's certification application. The application for certification includes an exercise evaluation form. If your exercise utilizes Homeland Security funds, your review must follow the HSEEP guidelines. An actual hazardous materials incident occurring in your community or region may be substituted for an exercise as long as the Plan was used in the response, and the evaluation form is completed and submitted with the application.

** Required for Provisional and Full Certification Applications*

Attachment H: Abutting Emergency Planning Committees

- The name, address and chairman of each Committee that abuts the LEPC community or REPC communities must be included. The MEMA regional offices or the SERC coordinator can assist the Committee in obtaining this information.

Attachment I: Bylaws for the Committee

REPCs must provide by-laws at each level of certification. LEPCs must provide by-laws at provisional and full certification levels.

Attachment J: Description of Risk Reduction Activities[^]

Committees should encourage local industry to engage in risk reduction activities. One such activity is assisting the facility in determining if the quantity of chemicals stored on site is necessary, or if risk could be reduced by ordering the material more frequently. They could also evaluate their manufacturing process and determine if a less hazardous chemical could be used in production.

Attachment K: Description of Community Outreach Activities[^]

One of the primary elements of the EPCRA legislation is emergency planning. There are several ways that an Emergency Planning Committee can accomplish this goal. A Committee may choose to partner with one of the Citizen Corp Programs, such as a Community Emergency Response Team (CERT) or Medical Reserve Corp (MRC). The Committee may also consider distributing literature to their community or communities to increase public awareness about current safety and preparedness issues such as Flooding Tips, Family Communications Plans, Developing a Disaster Kit, Snow Safety, or Hurricane Preparedness.

Attachment L: Certified EPC Stipend Application

All certified committees are eligible to receive a stipend grant. This grant is intended to provide committees with the funds to assist in achieving certification goals. This stipend grant frequency and amount varies by type of organization and level of certification. The certification application includes a grant application that provides a list of allowable and non-allowable expenses. Specific questions regarding the stipend grant program may be directed to a MEMA SERC coordinator.

Checklist

A checklist is provided at the end of every application to help LEPCs and REPCs determine whether appropriate information is included in their application submission. The checklist should be included with the application. It is great tool to ensure that all information is being submitted.

[^] Required for Full Certification Applications

PROVEN IDEAS TO HELP KEEP COMMITTEES ACTIVE

- **Conduct Annual Meeting to Review The Plan.** Provide an opportunity for each hazardous materials responder department to review with the Committee their roles and missions during a response as detailed by the plan. The agenda item allows the committee to meet one of few legislated mandates (annual review of the plan).
- **Conduct A Meeting Near the Tier 2 Report Deadline.** This meeting provides an opportunity for facilities to hand deliver Tier 2 reports to the Committee. Additionally, some Committees utilize this meeting to provide assistance to facilities in completing Tier 2 forms. By using the EPA Tier 2 Submit software, Committees can easily enter the Tier 2 data and submit Tier 2 reports. This process helps both the Committee and facility in documenting more accurate reports and more importantly it serves as a reminder to smaller industries that Tier 2 forms are due.
- **Invite Guest Speakers to Address Topics of Interest to Members.** Topics that are perennial favorites are: cost recovery, district Hazmat team response considerations, industry safety programs, and clean up contractor considerations. Governmental agencies such as Mass Department of Environmental Protection (DEP), HAZMAT Team representatives, OSHA, EPA, and clean-up contractor representatives are generally more than willing to come to present material.
- **Conduct and After Action Meeting for Incident Response.** Conducting a review of a local response to identify best practices as well as lessons learned is a unique opportunity to incorporate changes to the Plan.
- **Conduct A Facility Process Review.** The review can serve as an awareness tool for the responder community. Having an industry explain how and why they use hazardous substances can be a beneficial means of improving awareness of the specific facility and the hazardous substances used. It also familiarizes the responders where the various hazardous substances are used or stored.
- **Conduct Review of Any New Regulation or Law.** Reviewing any new law or regulation recently passed by a governmental body or governing standard organization (National Fire Protection Association) that impacts the Committee allows members to keep current on the multitude of laws and regulations.
- **Conduct A Review of Available Software.** There are many software programs that are available to industry or the emergency response community to help with topics associated with committee activities. CAMEO and the Tier 2 Submit software are all public domain programs that can provide assistance to response agencies and the EPC.



The SERC Coordinators and the MEMA Regional Offices are available to answer any question you may have regarding the LEPC or REPC certification process.

SERC Coordinators
Massachusetts Emergency Management Agency
400 Worcester Road
Framingham, MA 01702-5399
Tel. (508) 820-2000 Fax (508) 820-2030

MEMA Region 1
(Essex, Middlesex, and Suffolk counties)
Tewksbury State Hospital Grounds
365 East Street
PO Box 116
Tewksbury, MA 01876-0116
Tel. (978) 328-1500
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MEMA Region 2
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Nantucket, Norfolk, and Plymouth counties)
121 Rear Administration Road
PO Box 54
Bridgewater, MA 02324-0054
Tel. (508) 697-3111
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MEMA Regions 3 and 4
(Berkshire, Franklin, Hampden,
Hampshire, and Worcester Counties)
1002 Suffield Street
Agawam, MA 01001
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TABLE OF CONTENTS – RESOURCE CD-ROM

Files Included:

• Applications for Certification:

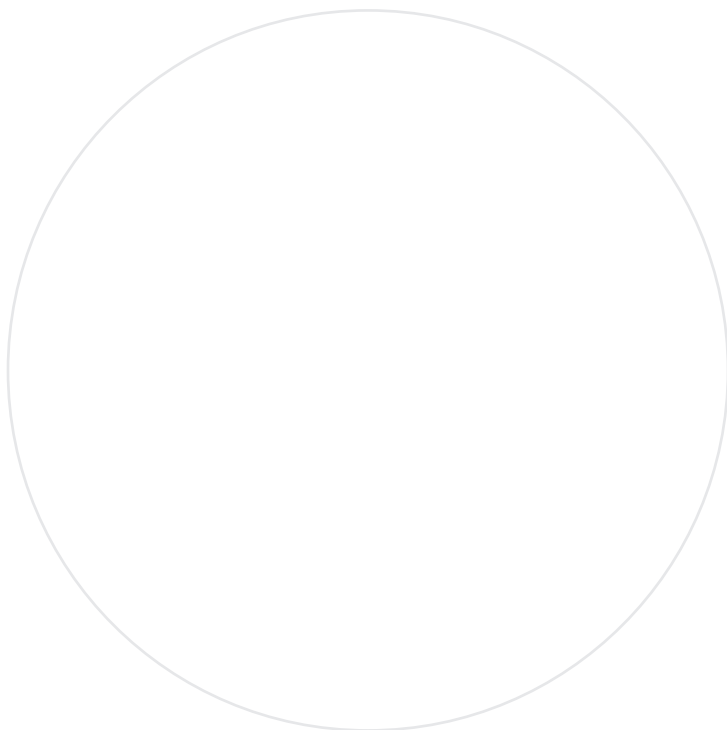
- ◆ Local
 - Startup
 - Provisional
 - Full
 - Re-Certification
- ◆ Regional
 - Startup
 - Provisional
 - Full

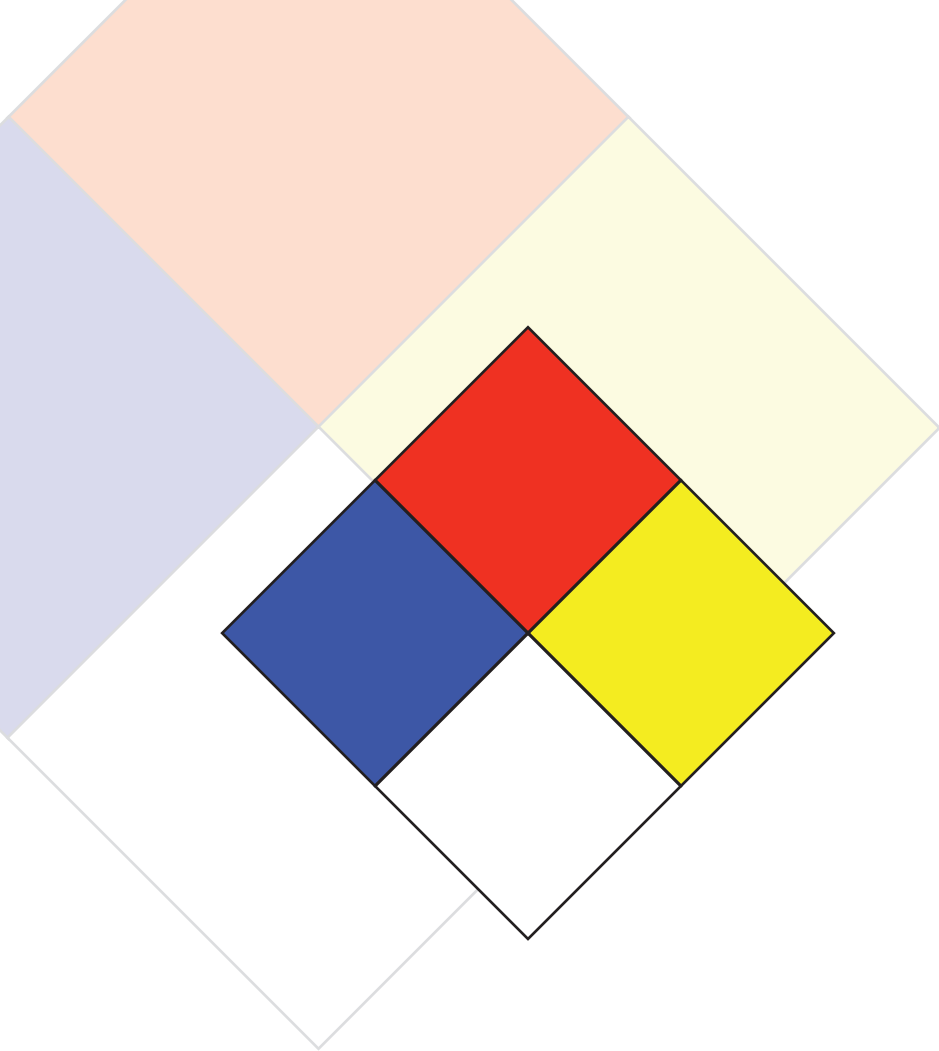
• Plan Templates:

- ◆ Local
- ◆ Regional
 - Multi-Plan
 - One Plan

• Reference Documents:

- ◆ NRT-1 Hazmat Planning Resource
- ◆ EPCRA Statute
- ◆ List of Lists
- ◆ EPA EPCRA Overview
- ◆ 2004 Emergency Response Guidebook





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